

Access to Emergency Video
Programming
Through Captioning In Virginia:

A Best Practices Guide
For Broadcasters, Consumers
Who are Deaf or Hard of
Hearing, and the Virginia
Department for the Deaf and
Hard of Hearing

June 2004

I. **Background:**

In April 2000, the Federal Communications Commission (FCC) issued an order relating to the accessibility of video programming to viewers with hearing disabilities. This order specifically stated the requirement for video programming distributors to provide a visual display of critical details of any emergency situation reported. [See Section VIII, Item ii.] Since that time, the FCC has issued four additional reminders of the requirements of this order.

During the 2003 session of the Virginia General Assembly, Delegate Karen Darner introduced HB 2570 relating to captioning of emergency broadcasts. Her request was made on behalf of deaf and hard of hearing constituents who expressed concerns about the quality and quantity of information presented in a visual format to alert the deaf and hard of hearing communities during the sniper incidents in October 2002. Specific consumer concerns related to the reporting of the sniper incidents included the apparent lack of a visual display of information related to roadblocks and suspect vehicles by some broadcasters. After meeting with representatives of the Virginia Department for the Deaf and Hard of Hearing (VDDHH), the State Police and the Virginia Association of Broadcasters, Delegate Darner recognized some challenges with the bill and withdrew it with the understanding that the concerned parties would work together to address the concerns of the consumers. VDDHH agreed to coordinate this effort.

Before the workgroup was convened, Virginia faced another emergency situation which heightened the anxiety of the deaf and hard of hearing communities and which re-emphasized the need to address the concerns: Hurricane Isabel hit Virginia with tremendous force, prompting broadcasters to devote significant airtime to critical information in advance of and after the storm. Once again, consumers who are deaf or hard of hearing expressed concerns that some broadcasters did not provide a visual display of critical details. During this situation, the Virginia Association of Broadcasters worked with VDDHH to get information and reminders to broadcasters in a timely manner. This was an important first step in developing ongoing procedures to address communication needs.

II. Workgroup Participants

The following individuals participated in the workgroup and offered valuable input to the process which resulted in this Guide:

Brenda Carper	VDDHH Advisory Board
Rhonda Jeter	Greater Richmond Chapter of Virginia Association of the Deaf (GRCVAD)
Bennie Lacks	Virginia Association of the Deaf (VAD)
Coe Ramsey	Virginia Association of Broadcasters (VAB)
Doug Easter	VAB
Sean Harper	WHSV-TV Harrisonburg
Vic Matsui	Self Help for Hard of Hearing (SHHH) and Williamsburg SHHH (WISHHH)
Harold Wright	WVIR-TV Charlottesville
Don Richards	WWBT TV Richmond VAB Board
Cheryl King	Federal Communications Commission (FCC)
Jenifer Simpson	FCC
Robert Kemmler	Virginia State Police
Cheryl Heppner	Northern Virginia Resource Center (NVRC) for Deaf and Hard of Hearing Persons
Ron Lanier	VDDHH Director
Leslie Hutcheson Prince	VDDHH Policy and Planning Manager

III. Purpose of this Guide:

A “best practice” can be defined as “An activity or procedure that has produced outstanding results in another situation and could be adapted to improve effectiveness, efficiency, ecology, and/or innovativeness in another situation.” (Interoperability Clearinghouse Directory of Terms. (N.D.). Retrieved February 3, 2004, from <http://www.ichnet.org/glossary.htm>.) This guide outlines the best practices recommended by the workgroup for broadcasters, consumers and the Virginia Department for the Deaf and Hard of Hearing to implement in addressing consumer access to critical information in emergency situations. This guide is intended:

1. To provide broadcasters with information and guidance on best practices in providing a visual display of critical details during an emergency situation.
2. To provide consumers with information and guidance on best practices for working with broadcasters in advance of, during and after emergency situations.

3. To provide the Virginia Department for the Deaf and Hard of Hearing with information and guidance on best practices for facilitating broadcasters and consumers in achieving communications access in emergency situations.
4. To provide broadcasters and consumers with resource information to assist in addressing issues associated with the visual display of critical details during an emergency situation and other issues of community/broadcaster relations.

The practices recommended in this guide are only suggested voluntary practices and do not carry the force of law, except as otherwise provided by the Federal Communications Commission. Broadcasters and consumers that elect to participate in the suggested practices which extend beyond FCC requirements and applicable state and federal laws shall not be liable to each other, the Commonwealth of Virginia, or any division or agency thereof, for any failures to comply with any provision in this Guide.

IV. The Ideal

The ideal, preferred and recommended BEST PRACTICE would be real-time captioning of all broadcasts that contain information of an emergency nature that is intended to further the protection of life, health, safety, or property with 100% accuracy, notwithstanding financial and technical limitations which may affect implementation.

V. Standard for Determining that a Situation Constitutes an Emergency

The Federal Communications Commission has included a broad definition of an emergency situation in its rule at 47 C.F.R §79.2. In this section, “Emergency information” is information, about a current emergency, that is intended to further the protection of life, health, safety, and property, i.e., critical details regarding the emergency and how to respond to the emergency. Examples of the types of emergencies covered include tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings and changes in school bus schedules resulting from such conditions, and warnings and watches of impending changes in weather. The rule further notes that critical details “include, but are not limited to, specific details regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one’s home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.” In its guidance documents on the rule, the FCC notes that “[in] determining whether particular details need to be

presented visually and aurally, programmers may rely on their own good faith judgments. There could be a limited number of instances when an emergency affects the broadcast station or non-broadcast network or distributor and it may be impossible to provide accessible emergency information.”

The FCC’s most recent reminder of the requirement to provide a visual display of critical information in an emergency has further clarified that the Fall 2002 sniper shootings meet the definition of “emergency” and that the regulation is also intended to apply to terrorism-related emergencies.

Consumers in the workgroup have asked that broadcasters look beyond the current FCC definitions and make non-emergency information visually accessible when such information is provided during an interruption of regular programming.

This standard recognizes that, on occasion, broadcasters may interrupt regular programming with reports on situations which do not threaten the life, health or safety of citizens. By ensuring that ALL interruptions for special reports include a visual presentation of critical information, broadcasters can ensure that citizens who are deaf or hard of hearing are not unnecessarily concerned that individual health or safety is in danger.

In an ever changing world where inconceivable actions become real emergencies, broadcasters and consumers should work together to determine what constitutes an emergency in their community and how to determine whether a situation rises to the level of an emergency. As a starting point, see the recommendations of the consumer members of the work group re types of situations needing coverage, types of information needing coverage following an emergency, and types of broadcasts that could potentially contain emergency information. These recommendations are contained in Attachment A.

VI. Best Practices for Broadcasters

- a.** Standardize placement of captions and crawls to prevent either from blocking the other, as required by FCC regulation.
- b.** Err on the side of providing a visual display which includes too much information during situations which meet the standard for an emergency.
- c.** Be prepared to provide the following information in a full-screen or other format:

- i. Is there a current or impending danger to any person in the broadcast viewing area?
 - ii. What is the nature of the emergency?
 - iii. What do individuals in the viewing area need to do?
 - iv. Where is the emergency? What are the boundaries of the affected area?
 - v. What is the expected/known duration and/or severity of the emergency?
 - vi. What are the real or potential impacts on personal health, safety, travel, schools, electricity and telephone service?
- d. Provide a display of the key points made by public officials during an emergency situation. If no advance notice of the content of the officials' live comments is available to the broadcaster, the broadcaster should be prepared to provide a full screen display of the key points as soon as possible after the officials' appearance.
- e. Establish a unique and understandable marker for broadcasts or crawls which provide information related to an emergency situation. This can be achieved on a market-by-market level based on broadcasters consulting with the local community to determine what will be most effective in consideration of the technology available in each market.
- f. Welcome and work towards a working relationship with the local deaf and hard-of-hearing communities before emergency situations arise.
 - i. Identify a single staff member to serve as a liaison to develop and maintain this working relationship. The Broadcaster to Community Liaison (BCL) must be someone with the authority to make on-air changes (producer-level).
 - ii. The BCL should invite members of the local deaf and hard of hearing communities to participate in an initial meeting to establish a Deaf and Hard of Hearing Consumer Advisory Group or respond to the community's request for the same.
 - 1. In determining who to invite to participate in this initial meeting, the Broadcaster should contact VDDHH, the Virginia Association of the Deaf and state coordinator for Self Help for Hard of Hearing People, Inc.
 - 2. The BCL should be prepared to receive and respond to immediate, direct and regular contact with the Community to Broadcaster Liaison (Chair of the Advisory Group – see "Best Practices for Consumers").
 - 3. The BCL should work with the CBL to establish agreed upon protocols for reporting problems, discussing solutions and sharing related information with the community.
 - 4. The BCL should host a post-situation debriefing of the Deaf and Hard of Hearing Consumer Advisory Group after situations which meet the standard for an

emergency to discuss what worked and what did not work.

- g.** Explore options for a standing contract for Real-Time Captioning for Emergency Situations.
 - i.** Such a contract would allow stations to ensure immediate real-time captioning of broadcast information.
 - ii.** A sample contract description is included in the Resources section of this guide.
- h.** Establish some pre-programmed critical details-type information in anticipation of various situations. This could include templates for information related to road closures, school closures, affected areas, emergency contacts (including TTY numbers) and other information typically provided in emergency situations.
- i.** In consultation with the local deaf and hard of hearing communities, standardize the technical aspects of all captioned information. Specifically, establish technical standards for crawl speed, lines of text, appearance, and timing of switches to ensure that captions are not dropped.
- j.** Provide regular training to on-air and production staff on topics including but not limited to:
 - i.** FCC requirements for communications access
 - ii.** Community Awareness – understanding and reaching the Deaf and Hard of Hearing communities.
- k.** Be aware of advances in caption related technology.
- l.** Be responsive to community requests to host events, such as Open House events or community relations workshops for the Deaf and Hard of Hearing Communities.
- m.** Monitor the quality of captions and the appropriate, consumer-friendly display of visual information during and after emergency situations.
- n.** Provide a separate TTY-accessible public telephone line for incoming calls and ensure that staff are trained in responding to TTY calls. Any TTY line should be answered by a live person during hours when voice calls from the public are also answered by a live person and availability of the TTY line should be promoted in phone books and any material advertising station contact information.
- o.** Ensure that voice menus for incoming calls are TTY- and Virginia Relay-friendly. Pacing of voice menus needs to be set so that consumers who are deaf can process and respond to the prompts.

VII. Best Practices for Consumers

- a. Establish a positive working relationship with local broadcasters by encouraging the development of and then participating in a Deaf and Hard of Hearing Consumer Advisory Group hosted by broadcasters.
- b. Approach broadcasters to request station tours, Open House events, and other joint activities designed to strengthen awareness and involvement of broadcasters and the community.
- c. Identify a single consumer and backup(s) in the community to serve as the Community to Broadcaster Liaison (CBL). This CBL should be able to represent the needs and concerns of a wide range of consumers in a positive and productive manner.
 - i. The CBL and backup(s) will have direct contact access to the BCL to ensure that immediate problems are addressed.
 - ii. The CBL and the BCL should agree to and follow procedures for working together to resolve problems as quickly as possible.
 - iii. The CBL should report back to the local deaf and hard of hearing communities on the resolution of issues raised with the BCL.
- d. All consumers are encouraged to contact broadcasters through regular public contact numbers provided to the general public with general concerns and complaints. Nothing in these Best Practices, including the role of the Community to Broadcaster Liaison, is intended to discourage consumers from contacting broadcasters directly.
- e. Plan and participate in community workshops for consumers and broadcasters on topics related to access to information during emergency situations.
- f. Address complaints with the broadcaster first.
 - i. Complaints to the broadcaster should be specific as to the time of the broadcast involved and the problem that prompted the complaint, including a description of the type of information the consumer expected to be presented in a visual format in the situation but which was not displayed. For example, in a major fire in a metropolitan area, consumers might expect a visual display of street closings and evacuation areas. If such details are not displayed visually, the consumer should point that out to the broadcaster.
 - ii. Be prepared to offer suggestions for resolution.
- g. If an acceptable solution/resolution cannot be reached with the broadcaster and a consumer proceeds with filing a formal complaint with the FCC, follow the FCC Guidelines for filing a complaint.

VIII. Best Practices for the Virginia Department for the Deaf and Hard of Hearing

- a. Work with Virginia Department of Emergency Management to ensure that any central source of information for broadcasters to use in preparing to report critical details in advance of or during an emergency situation includes:
 - i. Information on TTY numbers for appropriate contacts, such as electric companies, and the Red Cross, information on how to secure interpreter services, information on Virginia Relay, and other information that may be of assistance to broadcasters in providing critical details to persons who are deaf or hard of hearing.
- b. Assist broadcasters and consumers in establishing local Deaf and Hard of Hearing Consumer Advisory Groups.
- c. Provide information to consumers to assist in preparing for and responding to emergencies and to assist in making informal and formal complaints about communications access in emergency situations.
 - i. Offer community workshops on related topics.
 - ii. Provide related information on the VDDHH web site.
- d. Provide Outreach and TTY Technical Assistance to broadcasters on request and as needed.

IX. Resources

- a. **Federal Communications Commission Documents Related to the Emergency Captioning Rule**
 - i. [FCC Consumer Facts: Accessibility of Emergency Video Programming to Persons with Hearing and Visual Disabilities](http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html) (URL: <http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>)
 - ii. [FCC Orders Increased Accessibility of Video Programming to Viewers with Hearing Disabilities Adopted April 13, 2000 and Released April 14, 2000. \(Emergency Closed Captioning\)](http://www.fcc.gov/Bureaus/Cable/Orders/2000/fcc00136.txt) (URL: <http://www.fcc.gov/Bureaus/Cable/Orders/2000/fcc00136.txt>)
 - iii. [Public Notice Dated 8/13/01 Reminding Video Programming Distributors of Obligation to Make Emergency Information Accessible to Persons With Hearing Disabilities.](http://www.fcc.gov/cgb/dro/reminder.pdf) (URL: <http://www.fcc.gov/cgb/dro/reminder.pdf>)
 - iv. [Public Notice Released on July 31, 2002, as a Reminder to Video Programming Distributors of Obligation to Make Emergency Information Accessible to Persons With Hearing or Vision Disabilities.](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-1852A1.pdf) (URL: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-1852A1.pdf)

- v. [The Consumer & Governmental Affairs Bureau Reminds Video Programming Distributors of Obligation to Make Emergency Information Accessible to Persons with Hearing or Vision Disabilities in a Public Notice Released July 18, 2003.](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-2361A1.pdf) (URL: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-2361A1.pdf)
 - vi. [FCC Reminds Video Programming Distributors They Must Make Emergency Information Accessible to Persons with Hearing or Vision Disabilities – May 28, 2004](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-247810A1.doc) (URL: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-247810A1.doc)
- b. **Federal Communications Commission Document Related to Filing a Complaint**
- i. [Filing A Complaint with the FCC is EASY!](http://www.fcc.gov/cgb/complaints.html) (URL: <http://www.fcc.gov/cgb/complaints.html>)
 - ii. **Additional Suggestions for Preparing a formal complaint from consumers and the FCC:**

Be specific: “Station X interrupted programming with a news bulletin about a chemical spill. They did not provide a visual display of information related to the location of the spill, the possible dangers to residents, alternate routes, or when the road was expected to re-open.”

If possible, include a videotape of the segment involved in the complaint. The FCC can review the video and compare what the reporters are saying with what is visually displayed.

Be willing to follow up on the complaint. Many times, the FCC tries to work with consumers to follow up on complaints, but the consumers do not want to continue. The FCC may not continue to investigate the complaint if the consumer does not provide additional information when requested.

Details are the most important part of a formal complaint. Report the date, the time and the station information. Also include the specifics of the complaint. It is not enough to say, “Station X did not caption the news alert today.”
- c. **National Association of the Deaf Documents Related to Emergency Captioning**
- i. [FCC Emergency Captioning Rules Violated by Television Stations](http://www.nad.org/infocenter/newsroom/nadnews/FCCCaptionRulesViolated.html) (URL: <http://www.nad.org/infocenter/newsroom/nadnews/FCCCaptionRulesViolated.html>)
 - ii. [Emergency Warnings: Notification of Deaf or Hard of Hearing People](#) (URL: [http://www.nad.org/infocenter/newsroom/nadnews/EmergencyWarnings.html](#))

<http://www.nad.org/infocenter/infotogo/emergency/EmergencyNotification.html>)

- iii. [How to File A Captioning Complaint](http://www.nad.org/infocenter/infotogo/tech/captioncomplaint.html) (URL: <http://www.nad.org/infocenter/infotogo/tech/captioncomplaint.html>)
- iv. [Visual Announcements of Emergency Information by Television Broadcasters](http://www.nad.org/infocenter/infotogo/legal/TVemergencybroadcast.html) (URL: <http://www.nad.org/infocenter/infotogo/legal/TVemergencybroadcast.html>)

d. **Captioning Resources**

- i. [National Court Reporters Association Online Community for Captioning Providers](http://www.ncraonline.org/captioning/), includes links to directories of caption providers. (URL: <http://www.ncraonline.org/captioning/>)
- ii. [CARTWHEEL Network of Caption Services](http://www.cartwheel.cc/). (URL: <http://www.cartwheel.cc/>)
- iii. [Telecommunications For the Deaf, Inc. Closed Caption Information](http://www.tdi-online.org/tdi/ClosedCaptionService.asp) (URL: <http://www.tdi-online.org/tdi/ClosedCaptionService.asp>)
- iv. [Sample Proposal for Real Time Captioning for Emergency Broadcasts](#) (Hard copy attached)

e. **Consumer Resources**

- i. Nielsen Media Research Listing of Designated Market Areas (rankings of television markets in the United States (URL: www.nielsenmedia.com – Select “FAQ” and then select “What is a DMA and how do you determine this?” (URL: http://www.nielsenmedia.com/FAQ/dma_satellite%20service.htm#What is a DMA and how do you determine this?)
NOTE: Virginia has one top 25 broadcast market – Northern Virginia is included in the Washington, D.C. Designated Market Area.

**Emergency Captioning Work Group
Consumer Feedback for the "Best Practices Guide"
To be submitted to the Virginia Association of Broadcasters**

Issue #1: Key elements for visually accessible emergency information.

Consumers who are Deaf/Hard of Hearing/DeafBlind/Late Deafened (hereafter referred to as "consumers") recommend that local TV stations provide:

1. Realtime captioning of emergency information

- ~ Word-for-word text of all words spoken on audio
- ~ Time synchronization so that the text appears with no more than a 2-second delay after words have been spoken
- ~ Accuracy rate of 100% as a goal to ensure key information is understood
- ~ No cutting off text which has not yet appeared when switching to a commercial or other program
- ~ Text is not superimposed over regular program captioning or other key information on the screen

2. Self - monitoring for quality

Captioned broadcasts are constantly monitored by a staff member to ensure that **they are** being transmitted clearly and accurately.

3. Accessible phone/TTY line to report any problems

- ~ A separate phone number that is TTY accessible and does not require going through a voice menu system
- ~ Phone staffed 24 hours a day, 7 days a week or during the station's hours of transmission by someone with authority or expertise to get problems solved
- ~ Phone number advertised for this purpose in phone book, on website; information sent to deaf and hard of hearing community organizations

4. Collaboration between TV stations and the consumers

Local TV stations and consumers form partnerships to open dialogue, exchange information, discuss technology, troubleshoot and improve accessibility.

Issue #2: Types of situations are considered "emergencies" for which consumers need coverage:

- ~ **Inclement weather:** hurricanes, snow, ice, blizzards, floods, dangerous lightning, tropical storms, hail, heat waves, drastic temperature drops, droughts, mudslides, sinkholes, air quality alerts (e.g., smog).
- ~ **Natural disasters** e.g. earthquakes
- ~ **Biohazards/hazardous materials:** chemical spills, nuclear energy

accidents, gas spills, oil spills, water contamination

~ **Fires** e.g. wildfires, fires in business and residential areas

~ **Homeland Security:** acts of terrorism, wars, new security measures and changes to policies and procedures, hostage situations

~ **Transportation accidents:** e.g. planes, trains, boats, cars, and subways

~ **Health-related threats:** e.g. anthrax, smallpox, rabies, SARS

~ **Criminal activity:** any series of rapes, arson, murders, break-ins, thefts; prison escapes, riots, looting.

~ **Miscellaneous:** threats from dangerous, wild animals on the loose, solar activity.

Issue #3: Types of information following emergencies that are needed by consumers:

NOTE: The following are examples and are not intended to be a comprehensive list.

Evacuations: Are our areas being evacuated? When can we return to our homes?

Water: Is it safe to drink? Where can we get bottled water, ice, and/or dry ice?

Power outages: When will electricity be restored? Who do we call to report downed power lines?

Emergency shelters: Where are the shelters located? Which shelters have sign language interpreters and other types of communication access?

Road/Bridge closings: Which routes are closed? Where are the alternative routes? Which airports, train stations, subways, etc. are closed or delayed? When will they re-open, and what will their hours be?

School closings and delays

Ozone alerts: Is it safe to go outside? What do the different codes mean?

Law enforcement information about crimes and crime prevention:

~Where the crimes tend to occur?

- ~ What time of the day are the crimes occurring?
- ~Who is being targeted?
- ~Is there a particular suspect or vehicle to look for?
- ~How can we protect our families, our homes and ourselves

Issue #4: Types of broadcasts potentially containing emergency information that stations should be ready to cover:

- ~ Regular news broadcasts
- ~ Special reports
- ~ Newsbreaks that interrupt a program or are during commercial breaks

Compiled by Virginia Emergency Captioning Work Group, Consumer Committee: Rhonda Jeter, Brenda Carper, Vic Matsui, Bennie Lacks, Ronald Lanier and Cheryl Heppner, with input from various consumers and organizations.

November-December 2003

Providing Quality Captioning Services

REAL-TIME CAPTIONING
For EMERGENCY BROADCASTS

CONTRACT OPTIONS FOR TELEVISION STATIONS	RETAINER FEE FOR 24/7 PAGER SERVICE	HOURLY RATE FOR REAL-TIME CAPTIONING	HOURLY RATE FOR EMERGENCY CAPTIONING
A station contracts to provide real-time captioning for a minimum of five (5) 30-minute newscasts per week	None--24/7 pager service is provided for no additional charge.	\$105-\$130 per hour. Cost decreases as number of contracted hours increases.	Same rate as the newscast captioning rate (\$105-\$130/hr). The station will receive priority when needing emergency captioning.
A station contracts for no real-time captioning on a regular basis but wants guaranteed and/or priority availability of emergency real-time captioning services	\$1,000 per year-- This fee includes the cost of testing, captioner prep, 24/7 pager call and 4 hours of emergency captioning each year. CSK guarantees availability for first 4 hours of emergency captioning per year. Additional hours are provided on an as-available, basis, although CSK does not anticipate a problem with coverage for these additional hours. The 4 hours must be used within the 12-month contract period or they are forfeited.	N/A	\$175.00 per hour for each hour over the original 4 hours included in the annual fee.

--In order to be able to provide real-time captioning in any of the scenarios above, a station must provide a compatible closed-caption encoder with built-in modem (EEG or LINK) and two dedicated toll-free telephone lines, one of which would allow the captioner to automatically connect to the program audio and the other would automatically connect the captioner to the encoder modem.

--Real-time Captioning of broadcasts of emergencies and late-breaking stories is billed with a one-hour minimum and then in 30-minute increments thereafter each time XXX is requested to caption an emergency or late-breaking story.

--If toll-free lines are not available to our captioners, the station will be billed at a rate of \$10.00 per phone line per hour for long-distance charges.
